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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,852	10/11/2006	Adriana Sartor	1610-122	5667
30448	7590	05/08/2009	EXAMINER	
AKERMAN SENTERFITT			THOMAS, BRADLEY H	
P.O. BOX 3188				
WEST PALM BEACH, FL 33402-3188			ART UNIT	PAPER NUMBER
			2835	
			MAIL DATE	DELIVERY MODE
			05/08/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/599,852	SARTOR, ADRIANA	
	Examiner	Art Unit	
	BRADLEY H. THOMAS	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 April 2009.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 9-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 9-11 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/16/09 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Englund (US 4,567,458) and further in view of Dunne et al. (US 6,642,460).

Regarding independent claim 9, Englund teaches a bimetallic thermostat with exchange contacts comprising:

- an external support covering (24); and
- an internal device (see Fig. 1) comprising:

- a pierced base (26) provided with a packing (42) and with electric contacts (50) for connection with an outside of the bimetallic thermostat (see col. 7, lines 63-67),
- a relay (46) electrically connected with said base (26) (see col. 7, lines 26-42), and
- a sensitive thermostatic element (12) provided with feet (18 and 22) electrically connected with said relay (46) (see col. 5, lines 24-27 and col. 6, lines 51-60), wherein
- a printed circuit insulating plate (40) is interposed between the sensitive thermostatic element (12) and the relay (46), said printed circuit insulating plate (40) comprising first holes (see Figs. 3-4) for ends of wires (e.g. of 48) (electrically) connected with said electric contacts (50), second holes (see Figs. 3-4) for the fastening of the relay (46), passing-through slots (near 20 in Fig. 3 and in 32 in Figs. 3-4 and 6-7) for housing the feet (18 and 22) of the sensitive thermostatic element (12) (see col. 4, lines 55-69, col. 5, lines 1-27 and col. 7, lines 7, lines 10-30);

except for:

- and said printed circuit insulating plate provided with routes for connecting said first and second holes and said slots while preventing interferences between said feet of the sensitive thermostatic element and said wires.

Englund teaches a printed circuit board (40) but does not explicitly teach the board having printed traces (or "routes") connecting the various electronic components. However, Dunne et al. teaches that it is known to use a circuit board (11) with routes

(23) that electrically connect holes (19) and terminals (9) of a switch (1) (see Figs. 1-4). It would have been obvious to one having ordinary skill in the switch art at the time the invention was made to have formed electrically conductive routes on the circuit board of Englund, since Dunne et al. states at col. 3, lines 3-44 that such a modification would have allowed for electrical connection between the openings on the board and electrical components (21) mounted on the board, while also allowing for a plug-in electrical connection. This would have improved the manufacturing of the switch as well as the electrical connection between components, thereby allowing for improved operation.

Regarding claim 10, Englund alone teaches:

- said external covering (24) is partially provided with an external connection thread (30) (see Fig. 1).

Regarding claim 11, Englund alone teaches:

- the relay (46) is fastened to said circuit insulating plate (40) (see Figs. 1, 3-4).

Response to Arguments

4. Applicant's statements with respect to new claims 9-11 have been considered but are moot in view of the new ground(s) of rejection.

Applicant is suggested to further claim the relationship between the feet, the board and the slots as described in page 2, line 25 to line 2 of page 3 in the specification of the instant application, as well as shown in Figs. 2-3 and 6. Also,

Applicant is suggested to more specifically claim the location of the base with respect to the board and various contacts, feet, wires, etc. as shown in Figs. 2-3 of the instant application, and provide distinctions when using the word “connected” (i.e. physically and/or directly and/or electrically “connected”).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references teach switches with circuit boards: Brock (US 3,728,659) and Loesche (US 4,492,946).
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRADLEY H. THOMAS whose telephone number is (571)272-9089. The examiner can normally be reached on 7:00am - 3:30pm (Eastern).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash N. Gandhi can be reached on 571-272-3740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BHT

/Jayprakash N Gandhi/
Supervisory Patent Examiner, Art Unit 2835